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America's Servicing Company  
09-71545 / 1256032378

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In Re:

Irene Michelle Schwartz-Tallard

Debtor(s).

BK-S-07-11730-lbr

Date: \_\_\_\_\_  
Time: \_\_\_\_\_

Chapter 13

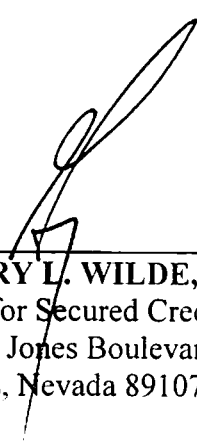
**NOTICE OF APPEAL**

America's Servicing Company, a subsidiary of Wells Fargo, the creditor hereby appeals under 28 U.S.C. § 158(a) or (b) from the Order Regarding Debtors Motion for Contempt for Violation of the Automatic Stay and violation of F.R.B.P. 9011 entered in this bankruptcy proceeding on the 17<sup>th</sup> day of February, 2010.

1 The names of all parties to the order appealed from and the names, addresses, and telephone  
2 numbers of their respective attorneys are as follows:

3  
4 Irene Michelle Schwartz-Tallard  
5 c/o Christopher P. Burke, Esq.  
6 218 S. Maryland Pkwy.  
7 Las Vegas, Nevada 89101  
8 (702) 385-7987  
9 atty@cburke/lvcoxmail.com  
10 Attorney for Debtor(s) for this hearing only

11 DATED this 1 day of March 2010.

12 By   
13 **GREGORY L. WILDE, ESQ.**  
14 Attorney for Secured Creditor  
15 208 South Jones Boulevard  
16 Las Vegas, Nevada 89107

17  
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23  
24 If a Bankruptcy Appellate Panel Service is authorized to hear this appeal, each party has a right to have the appeal heard by the district court.  
25 The appellant may exercise this right only by filing a separate statement of election at the time of the filing of this notice of appeal. Any other party may  
26 elect, within the time provided in 28 U.S.C. § 158C, to have the appeal heard by the district court.

*If a child support creditor or its representative is the appellant, and if the child support creditor or its representative files the form specified in §304(g) of the Bankruptcy Reform Act of 1994, no fee is required.*



The Court further clarifies it's oral findings and conclusions to find that the attorney's fees were incurred in stoping the violation of the stay, i.e. putting title back in the debtor's name.

Entered on Docket  
February 17, 2010

A handwritten signature in black ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

CHRISTOPHER P. BURKE, ESQ.  
Nevada Bar No.: 004093  
atty@cburke.lvcoxmail.com  
218 S. Maryland Pkwy.  
Las Vegas, Nevada 89101  
(702) 385-7987  
Attorney for Debtor(s)  
for this hearing only

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA

In Re:	)	BK-S-07-11730-LBR
	)	Chapter 13
IRENE MICHELLE SCHWARTZ-TALLARD,	)	
	)	
	)	
	)	DATE: 01-07-10
Debtors,	)	TIME: 1:30 P.M.

ORDER REGARDING DEBTORS MOTION FOR CONTEMPT FOR VIOLATION  
OF THE AUTOMATIC STAY AND VIOLATION OF F.R.B.P. 9011

The above entitled matter came on for hearing the above date and time on Debtor, IRENE MICHELLE SCHWARTZ-TALLARD, (hereinafter "Debtor" or "Schwartz-Tallard") Motion for Contempt for Violation of the Automatic Stay and Violation of F.R.B.P. 9011 by and through her attorney, CHRISTOPHER P. BURKE, ESQ. for this hearing only and AMERICA'S SERVICING COMPANY (hereinafter "A.S.C.") a

1 subsidiary of Wells Fargo appearing by and through GREG L. WILDE,  
2 ESQ.,

3 The Bankruptcy Courts oral finding of facts and conclusions  
4 of law were put on the record.

5 IT IS HEREBY ORDERED that Schwartz-Tallard is awarded  
6 emotional distress and economic damages of \$40,000.00 from  
7 A.S.C.;

8 IT IS HEREBY FURTHER ORDERED Schwartz-Tallard is awarded  
9 \$20,000.00 in punitive damages from A.S.C.;

10 IT IS HEREBY FURTHER ORDERED that attorney fees of  
11 \$20,000.00 are awarded to Christopher P. Burke, Esq. from A.S.C.;

12 IT IS HEREBY FURTHER ORDERED that within two (2) days of the  
13 entry of this order the property located at 17 Caprington Rd.,  
14 Henderson, Nevada 89052 is to be put back in Schwartz-Tallards  
15 name.

16 IT IS SO ORDERED.

17 DATED this 1<sup>st</sup> day of February, 2010.  
18

19 Submitted By:  
20  
21

22 CHRISTOPHER P. BURKE, ESQ.  
23 Nevada Bar No.: 004093  
24 218 S. Maryland Pkwy.  
25 Las Vegas, NV 89101  
26 (702) 385-7987  
27 Attorney for Debtor  
28

Approved/Disapproved:

GREGORY L. WILDE, ESQ.  
WILDE HANSEN, LLP.  
208 S. Jones Blvd.  
Las Vegas, NV 89107  
(702) 258-8200  
Attorney for Creditor

26 ###  
27  
28

1 ALTERNATIVE METHOD re: RULE 9021:

2 In accordance with Local Rule 9021, counsel submitting this document  
3 certifies as follows (check one):

4 ☐ The court waived the requirements of LR 9021.

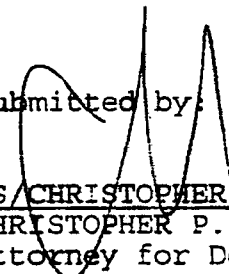
5 ☒ This is a chapter 7 or 13 case, and either with the motion, or at  
6 the hearing, I have delivered a copy of this proposed order to all  
7 counsel who appeared at the hearing, any unrepresented parties who  
8 appeared at the hearing, and each has approved or disapproved the  
9 order, or failed to respond, as indicated below [list each party  
and whether the party has approved, disapproved, or failed to  
respond to the document]:

10 GREGORY L. WILDE, ESQ.  
11 WILDE HANSEN, LLP.  
208 S. Jones Blvd.  
Las Vegas, NV 89107  
(702) 258-8200  
12 Attorney for Creditor  
13 FAILED TO RESPOND

14 ☐ This is a chapter 9, 11, or 15 case, and I have delivered a copy  
15 of this proposed order to all counsel who appeared at the hearing,  
16 any unrepresented parties who appeared at the hearing, and each  
has approved or disapproved the order, or failed to respond, as  
indicated below [list each party and whether the party has  
approved, disapproved, or failed to respond to the document]:

17 ☐ I certify that I have served a copy of this order with the motion,  
18 and no parties appeared or filed written objections.

19 Submitted by:

20   
21  
22 /s/CHRISTOPHER P. BURKE, ESQ.  
CHRISTOPHER P. BURKE, ESQ.  
23 Attorney for Debtor(s)

Gregory L. Wilde, Esq.  
Nevada Bar No. 004417  
212 South Jones Boulevard  
Las Vegas, Nevada 89107  
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America's Servicing Company  
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**UNITED STATES BANKRUPTCY COURT**  
**DISTRICT OF NEVADA**

In Re:

Irene Michelle Schwartz-Tallard

Debtors.

BK-S-07-11730-lbr

Date: \_\_\_\_\_  
Time: \_\_\_\_\_

Chapter 13

**CERTIFICATE OF SERVICE**

1. On 3/2/2010 I served the following document(s):

NOTICE OF APPEAL

2. I served the above-named document(s) by the following means to the persons as listed below:

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**X a. ECF System**

Christopher P. Burke, Esq.  
atty@cburke.lvcoxmail.com  
Attorney for Debtor for this hearing only

Rick A. Yarnall  
ecfmail@lasvegas13.com  
Trustee

**X b. United States mail, postage fully prepaid:**

Frank J. Sorrentino  
1118 E. Carson Ave.  
Las Vegas, NV 89101  
Attorney for Debtor

Irene Michelle Schwartz-Tallard  
17 Caprington Road  
Henderson, NV 89052  
Debtors

America's Servicing Company  
Brice, Vander Linden & Wernick, P.C.  
Attn: Managing Agent  
P. O. Box 829009  
Dallas, Texas 75382-9009

Ocwen Loan Servicing, LLC  
Attn: Bankruptcy Department  
Attn: Managing Agent  
12650 Ingenuity Drive  
Orlando, FL 32826

America's Servicing Co.  
Attn: Managing Agent  
P.O. Box 60768  
Los Angeles, CA 90060

Ocwen  
Attn: Managing Agent  
P.O. Box 6440  
Carol Stream, IL 601976440

1 IRS  
2 Attention: Managing Agent  
3 110 City Parkway, MS 5028  
4 Las Vegas, NV 89106

5 ☐ **c. Personal Service** (List persons and addresses. Attach additional paper if necessary)

6 I personally delivered the document(s) to the persons at these addresses:

7 ☐ 1. For a party represented by an attorney, delivery was made by handing the  
8 document(s) to the attorney's office with a clerk or other person in charge, or if no one is charge  
9 by leaving the document(s) in a conspicuous place in the office.

10 N/A

11 ☐ 2. For a party, delivery was made by handing the document(s) to the party or  
12 by leaving the document(s) at the person's dwelling house or usual place of abode with someone  
13 of suitable age and discretion residing there.

14 N/A

15 ☐ **d. By direct mail (as opposed to through the ECF System)**

16 *(List persons and email addresses. Attach additional paper if necessary)*

17 Based upon the written assignment of the parties to accept service by email or a court order. I  
18 caused the document(s) to be sent to the persons at the mail addresses listed below. I did not  
19 receive, within a reasonable time after the transmission, any electronic message or other  
20 indication that the transmission was unsuccessful.

21 ☐ **e. By fax transmission** *(List persons and fax numbers. Attach additional paper if necessary)*

22 Based upon the written assignment of the parties to accept service by fax transmission or  
23 a court order. I faxed the document(s) to the persons at the fax numbers listed below. No error  
24 was reported by the fax machine that I used. A copy of the record of the fax transmission is  
25 attached.  
26



1            ☐ **f. By messenger** *(List persons and addresses. Attach additional paper if necessary)*

2            I served the document(s) by placing them in an envelope or package addressed to the  
3            persons at the addresses listed below and providing them to a messenger for service.

4            *( A declaration by the messenger must be attached to this Certificate of Service).*

5            **I declare under penalty of perjury that the foregoing is true and correct.**

6  
7            Signed on : 3/2/2010            Declarant: 